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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER VU, TUAN A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,562

Applicant(s)

KIM, YOUNG-GU

Examiner

Tuan A. Vu

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 11/16/07.

As indicated in Applicant's response, claims 1, 9-12, 21-22 have been amended. Claims 1-22 are pending in the office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9-10, 12-15, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pro/Intel, "Installing the Intel Pro/Wireless 2011 LAN PC Card in Windows 2000 Professional", Jan 08 2002, *WinBook Tech Article* - article # WBTA09000774 (hereinafter IntelWBTA) in view of Sybex, "Windows 98 Complete", Copyright 1998, Chp. 7 (hereinafter Sybex).

As per claim 1, IntelWBTA discloses a method of installing a device driver in a computer to drive a device that performs a predetermined function, the method comprising: installing in the computer the device driver using a device driver file provided from the outside (e.g. steps 6-10, pg. 3; step 8, pg. 3; step 12, pg. 6); and copying and storing the device driver file (e.g. step 8, pg. 3; step 12, pg. 6) when re-installing (Note: update firmware by IntelWBTA reads on installing upon an older version of PC card as in re-installing – see *backup ... prior to performing this procedure* -top, pg. 1;... *utility to update the firmware* middle, pg. 1).

But IntelWBTA does not explicitly recite that copying of said one driver file (e.g. step 10, pg. 3; step 8, pg. 3; step 12, pg. 6) is such that it is after the installing in the computer of the device driver using the device driver file, for said reinstallation of the device driver. In view of the Windows operating system by IntelWBTA, it was known concept that Windows-based installation package, at the time the invention was made, include files that when installed like that of the ProWireless driver installation process, would comprise an install/uninstall executable being registered/stored somewhere in the target system during the initial software installation; the example of which registering are entries in the OS Registry under 'Windows\Microsoft\CurrentVersion' path which include keys containing themselves path of executable (files) generated from the initial installation and provisioned for reinstallation according to some user selection. In this regard, Windows 98 in light of Sybex discloses a Installer Wizard using Windows Control panel to automatically look for hardware driver based on some class selection from the wizard (see Fig. 7.10; *is already in your system you will besked if you want to use the existing driver* - pg. 132, item 7) and alternately, prompt a dialog enabling the user to find the path or network drive to locate the pertinent reinstallation file for such driver (see pg.133-134). Based on such known concept implemented in the above Windows installation registry settings concept, it would have been obvious for one skill in the art at the time the invention was made to implement to file copying during IntelWBTA so that one of the file copied over the target device comprises executable needed to support the reinstall/uninstall as taught by Sybex or Windows98 whereby the initial driver installation as by IntelWBTA would registers or provides a Reinstall directory (searchable via a path name within the target system) as set forth above, providing thereby the user with the chance to and the utility for reinstalling

the software when an unwanted or critical software driver-related situation require so, for the benefit such that this would expedite the reactivation or recovery the software driver without recourse to an external retrieval of that driver, as contemplated by the very 'reinstall' provision in the Registry.

As per claim 2, IntelWBTA discloses re-installing (Note: update firmware by IntelWBTA reads on installing upon an older version of PC card as in re-installing – see *backup ... prior to performing this procedure* -top, pg. 1;... *utility to update the firmware* middle, pg. 1) the device driver in the computer using the stored device driver file (refer to claim 1 using Sybex) when re-installation of the device driver is requested.

As per claim 3, IntelWBTA generating an icon for re-installation (e.g. steps 3-4 pg. 5 – Note: icon/button provided for installation, re-installing or repairing is known in Windows-based IntelWBTA, or Sybex by virtue of the obvious rationale) of the device driver after the device driver file is copied and stored.

As per claim 4, IntelWBTA discloses re-booting the computer after the device driver file is copied and stored (e.g. *Restart ... prompted by Windows* -- step 11, pg. 3).

As per claim 9, IntelWBTA discloses a computer installing a device driver to drive a device that performs a predetermined function, the computer comprising:

a first driver installation unit installing in the computer the device driver using a device driver file from the outside while storing a device driver file (e.g. steps 4-10, pg. 2-3).

IntelWBTA does not explicitly disclose second driver installation unit which re-installs the device driver in the computer using the stored device driver file input from the first driver installation (e.g. steps 4-13, pg. 4-6) when re-installation (of IntelWBTA device driver) is

requested. However, according to Windows 98 teaching of CurrentVersion registry entry and necessitating user's providing a path (as taught by Sybex) where re-installation of a driver is requested, the use of previously stored path of the (driver) installation file by Sybex would have rendered the above limitation (i.e. *using the stored device driver file input from the first driver installation*) obvious because of the rationale set forth in claim 1 and the endeavor by both IntelWBTA and Sybex using Windows reinstall or repair well-known utilities.

As per claim 10, IntelWBTA discloses the first driver installation unit wherein:

a file examination unit, which examines whether the device driver file is input and outputs an examination result (e.g. *insert CD, auto run...window explaining ... features* - steps 1-2, pg. 1) as a first control signal;

a first installation preparing unit, which prepares for installation of the device driver in response to the first control signal and outputs a preparation completion signal (e.g. *message ... has found ... device* - steps 4-7, pg. 2) representing whether the preparation of installation is completed;

a first installation unit, which installs the device driver in response to the preparation completion signal (steps 8-10 – pg. 3); and a storing unit, which copies and stores the device driver file (step 10- pg. 3; step 8, pg. 3; step 12, pg. 6 – Note: installation finished reads on file being stored by virtue of inherent teaching and any one file being copied during the installation the Pro-Wireless driver reads on device driver file).

As per claim 12, IntelWBTA discloses a machine-readable storage storing at least one program controlling a computing device according to a process comprising:

receiving a device driver file; installing the device driver in the computer; and copying and storing in the computer the device driver file (e.g. steps 6-10, pg. 3; step 8, pg. 3; step 12, pg. 6) for reinstallation (Note: update firmware by IntelWBTA reads on installing upon an older version of PC card as in re-installing – see *backup ... prior to performing this procedure* -top, pg. 1;... *utility to update the firmware* middle, pg. 1).

However, IntelWBTA does not explicitly recite that copying of said one driver file (e.g. step 10, pg. 3; step 8, pg. 3; step 12, pg. 6) is such that it is after the installing in the computer of the device driver using the device driver file, for reinstallation of the device driver. Based on the initial recording of CurrentVersion File in Windows 98 and the user's path required as input for re-installing of a driver as by Sybex, this providing limitation of re-installation file as per said initial IntelWBTA driver file installation would have been obvious by virtue of the rationale as set forth in claim 1.

As per claim 13, IntelWBTA discloses allowing re-installation of the device driver in the computer using the stored device driver file (steps 4-13, pg. 4-6) when re-installation of the device driver is requested (refer to claim 2).

As per claim 14, IntelWBTA discloses determining whether the device driver file is input (*insert CD, auto run...window explaining ... features* - steps 1-2, pg. 1); preparing for installation of the device driver in the computer when it is determined that the device driver file is input (e.g. steps 4-7, pg. 2); and installing the device driver in the computer (steps 8-10 – pg. 3).

As per claim 15, IntelWBTA discloses generating a device driver re-installation icon; and upon selecting the device driver re-installing icon (steps 3-4 pg. 5 – Note: icon in select

Select.exe step 4 reads on selecting re-installation icon); and discloses (in view of Sybex) re-installing the input device driver using the stored device driver file (refer to claim 1) without accessing the input device driver file.

As per claim 17, IntelWBTA discloses determining whether the device driver file is input; preparing for installation of the device driver in the computer when determined that the device driver file is input; and installing the device driver in the computer (refer to the rejection of claim 14)

As per claim 18, IntelWBTA discloses wherein the installing of the device driver is performed after the copying and storing (e.g. *finished installing software required for this device* - steps 4-10, pg. 2-3 – Note: run ‘Setup.exe’ in step 4, pg. 4 reads on installation after the driver is loaded in step 10 of pg. 3) of the device driver file is performed.

As per claim 19, IntelWBTA discloses the copying and storing of the device driver file is performed (e.g. steps 4-14, pg. 4-6) after the installing of the device driver is performed.

As per claim 20, IntelWBTA discloses wherein the copying and storing of the device driver file and the installing of the device driver are performed, at the same time (e.g. steps 4-10, pg. 2-3; steps 4-14, pg. 4-6 – Note: inherent copying of file for storing in the course of installing a device driver reads on copying and installing being performed in one instance of installation).

As per claim 21, IntelWBTA discloses a method of installing a device driver in a computer to drive a device that performs a predetermined function, the method comprising: inputting files having at least a device driver file used in installing in the computer the device driver (*insert CD, auto run...window explaining ... features* - steps 1-2, pg. 1); and copying and storing the device driver file from among the input files (e.g. *finished installing software*

required for this device - steps 4-10, pg. 2-3; e.g. step 8, pg. 3; step 12, pg. 6) for re-installation (Note: update firmware by IntelWBTA reads on installing upon an older version of PC card as in re-installing – see *backup ... prior to performing this procedure* -top, pg. 1;... *utility to update the firmware* middle, pg. 1)

But IntelWBTA does not explicitly recite that copying of said one driver file (e.g. step 10, pg. 3; step 8, pg. 3; step 12, pg. 6) is such that it is after the installing in the computer of the device driver using the device driver file, for said reinstallation of the device driver. However, this limitation has been addressed in claim 1.

As per claim 22, IntelWBTA teaches method of installing a device driver that performs a predetermined function, the method comprising: installing of a device driver and copying of driver file, the device driver file provided from outside(see Claim 1) but does not explicitly recite does not explicitly recite that copying of said one driver file (e.g. step 10, pg. 3; step 8, pg. 3; step 12, pg. 6) is such that it is after the installing in the computer of the device driver using the device driver file, for said reinstallation of the device driver. However, this limitation has been addressed in claim 1.

4. Claims 5-8, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pro/Intel, “Installing the Intel Pro/Wireless 2011 LAN PC Card in Windows 2000 Professional”, and Sybex, “Windows 98 Complete”, Copyright 1998, Chp. 7, and further in view of Harms, USPubN: 2002/0042911 (hereinafter Harms).

As per claim 5, IntelWBTA discloses preparing for reinstallation of the device driver in the computer using the stored device driver file, and re-installing the device driver in the computer using the stored device driver file if determining whether the device driver is requested

to be re-installed in the computer (see rationale as set forth in claim 1); but does not explicitly teach determining whether a previously installed device driver exists in the computer, and when determined that the device driver is requested to be re-installed in the computer uninstalling the previously installed device driver. The uninstalling of a driver destined for a same functionality or a version thereof coming from a previously installed older installation of a driver with storage thereof in the current system was a known concept in the technologies of driver installation (see IntelWBTA: *upgrade ... latest firmware* – pg. 1, middle; Sybex: *is already in your system ...asked if you want to use the existing driver* - pg. 132, item 7); and Harms shows that in order to store to the registry the files corresponding to a driver targeted to be installed, some uninstalling has to take place (see para 0037, pg. 3) in order for the same vendor's files to be put into registry for reinstallation of the latest driver (see para 0039, pg. 3; para 0040-0043, pg. 4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to manage the preinstallation process as by IntelWBTA (and/or Sybex) so that if a previously installed version of same vendor exists in the system registry this set of version files would asked to be removed or uninstalled prior to reinstallation of the new driver files as taught by Harms because by removing the files, the chances of interference from another set of files for the intended functionality of the target application whose driver is reinstalled would be obviated, enabling the proper recognition -- hence operation -- of the desired version/instance of device (see *not interfere, can properly detect* - para 0003-0004, pg 1).

As per claim 6, IntelWBTA teach detecting a location to store a file and rebooting prior to reinstallation, i.e. the reinstallation of the device driver in the computer using the stored device driver file with preparing for re-installation of the device driver in the computer using the stored

device driver file after the computer is re-booted (see steps 1-13, pg. 3-6); but does not explicitly teach registering a location where the device driver file is stored, after the previously installed device driver is uninstalled; and re-booting the computer and preparing for reinstallation of the device driver in the computer using the stored device driver file, according to the location of the device driver file, when determined that the previously installed device driver does not exist in the computer. Considering all of which being but known concepts as set forth in claim 5, and in light of the reinstallation following a uninstall has been addressed with Harms' teaching vendor data entry into a registry location and reboot prior to reinstallation (see reboot – para 0036; para 0038-0043 pg. 3-4) from claim 5, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide the uninstall prior to reboot and reinstallation as set forth by Harms, using registry location storage in light of the rationale from claim 5 above. One would be motivated to do so because this would enable to determine which registered files are in the system when an installation such as IntelWBTA's driver install is pending and because these files are required to be deleted prior for the latest version of files to be reinstalled to avoid interference as addressed above.

As per claim 7, IntelWBTA (in view of Harms) discloses the re-installing of the device driver further comprises re-booting (refer to claim 4) the computer after the device driver is re-installed in the computer.

As per claim 8, IntelWBTA only discloses one type of device driver and does not discloses wherein the device predetermined function is at least one printing, scanning, faxing, and digital image taking functions. Harms discloses that a driver to be installed can be an attached device for which pertinent software can be uninstalled and reinstalled; and that such

device can be a printer, scanner or display device (see para 0024, pg. 2). In light of the common practices that computer operate with devices being attached thereto, it would have been obvious for one of ordinary skill in the art at the time the invention was made to apply the driver installation as set forth above by IntelWBTA so that the targeted driver can also be that for any device attached to a computer, e.g. a scanner or a printer, because hardware/devices attached to a computer like network card, printer or graphics card, do come with pertinent software driver and the indispensable vendor drivers such as by IntelWBTA or Harms; and having the most appropriate software files to operate any such attached device would enable the application using such device to operate, lest such attached devices would be improperly supported or misrepresented for proper usage (see Harms SUMMARY).

As per claim 11, IntelWBTA discloses reinstallation (as set forth in claim 1 – Note: see *backup ... prior to performing this procedure -top, pg. 1;... utility to update the firmware middle, pg. 1*), wherein the second driver installation unit comprises:

an installation request examination unit, which examines whether a re-installation of the device driver is requested and outputs an examination result as a second control signal (e.g. *insert CD, auto run...window explaining ... features - steps 1-2, pg. 1; click Next - steps 4-10, pg. 2-3* – Note: *Next* button being clicked reads on requests being translated into result thereby more *Next* clicking action can be effectuated);

a second installation preparing unit, which prepares for re-installation of the device driver using the stored device driver file in response to the third control signal, and outputs a preparation completion signal representing whether the preparation is completed (*finished installing software required for this device - steps 4-10, pg. 2-3* - Note: *Next* button being clicked

reads on requests being translated into result thereby more *Next* clicking action can be effectuated); and

But IntelWBTA does not disclose a second installation unit re-installation of the device driver by reading the stored device driver file in response to the preparation completion signal input from the second installation preparation unit. But the reading of a previously stored device driver file for a re-installation has been set forth in claim 1.

Moreover, IntelWBTA does not explicitly disclose a driver examination unit, which examines whether a previously installed device driver exists in response to the second control signal and outputs another examination result as a third control signal and driver uninstallation unit, which uninstalls the previously installed device driver in response to the third control signal and outputs an uninstallation completion signal representing whether the uninstallation is completed; and a second installation unit in response to the uninstallation completion signal re-installs the driver upon an output signal that uninstallation has completed. But this uninstallation signal being recognized prior to reinstallation has been addressed in claims 5 and 6 above.

As per claim 16, this claim corresponds to the subject matter of claim 11, hence is rejected with the corresponding rationale as set forth therein.

Response to Arguments

5. Applicant's arguments filed 11/16/07 have been fully considered but they are mostly moot in view of the Amendments which necessitated adjustment in the Office Action, and basically often not persuasive. Following are the Examiner's observation in regard thereto.

35 USC § 103 Rejection:

(A) Applicant has submitted (for claim 22) that the Examiner has misinterpreted 'device driver' and 'device driver file' in rejecting the 'copying and storing the device driver file' limitation using Sybex (Appl. Rmrks pg. 8, 2nd para). It is very reasonable to construe a driver to be installed in the system in a way so that the corresponding file thereto is being stored during such installation, and the claim does not seem to provide convincing details in order to read away on the above understanding. In the current language of the claim 22, however, there is no substantial teaching that would distinguish that the *driver* is a particular entity expressed in some specific form while the *driver file* would be another particular textual, binary, linguistic or programmatic form. In mentioning Sybex, the § 103 rationale to reject re-installation using a copy of driver file is mainly focused on such file that has been stored previously during an initial install of the driver; and the limitation being particularly given weight implicates copying/storing of a driver-related file that would support re-installation on the very target system. Sybex provides one Windows-based scenario asking the user to point to such a installation-related file that has been already resident to the system hard drive (see pg 132, item 7) for an reinstallation (of the pertinent driver) to take place. The Applicant's argument about distinguishing a driver over a driver file is not nearly commensurate with the very crux of how obviousness of said file is being rationalized in the rejection. That is, a previously copied over file that would be used to support a driver reinstall is being what's at stakes because this is not explicitly shown in IntelWBTA. The claim does not enforce specificity for distinguishing between any file (driver file or driver) for its being a very specific format, a script, a binary or a DLL, as proffered by the argument. Besides, Applicant fails to point out why the combination of IntelWBTA with known utilities from Windows 98, cannot render obvious this (claimed limitation as to) storing of a

driver file as a result of the initial install. Applicant appears to believe that driver and driver file is not the same; and broad interpretation of the claim would not agree with Applicant; e.g. it is unclear how the language of the claim specifically dictates a substantial difference between the rather very broad and virtually indiscriminate appellation/nomenclature. Reasonable interpretation is that the driver is installed and its file form is also copied in the target device in the course thereof for the purport of any subsequent re-installation based on the likes of Sybex. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. With regard to the combination of teachings as set forth in the rejection, Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The argument is therefore non-persuasive.

(B) Applicant has submitted that for claim 1 (Appl. Rmrks pg. 8, bottom), Harms, IntelWBTA and Sybex do not teach 'copying and storing the device driver file ... for reinstallation of the device driver'; but this argument would be moot: this newly added limitation has just been addressed as they necessitated of new ground of rejection therefor.

(C) Applicant has submitted that claims 2-8, 10-11, 13-20 depend on claims 1, 9, and 12 and are also deemed for allowance. The rejection of claims 1, 9, and 12 has been maintained in light of the above.

In all, the claims will stand rejected as set forth in the Office Action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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A handwritten signature in black ink, appearing to read 'Tuan A Vu', followed by a long horizontal line.

Tuan A Vu
Patent Examiner,
Art Unit 2193
January 21, 2008